

Exhibit B

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON ENVIRONMENTAL
PROTECTION

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December 14, 2021
Start: 4:04 P.M.
Recess: 4:20 P.M.

HELD AT: REMOTE HEARING VIRTUAL ROOM 2

B E F O R E: CHAIR JAMES F. GENNARO

COUNCIL MEMBERS: JAMES F. GENNARO
HELEN ROSENTHAL
CARLOS MENCHACA
DARMA DIAZ
STEPHEN LEVIN
ANTONIO REYNOSO

A P P E A R A N C E S (CONTINUED)

1 COMMITTEE ON ENVIRONMENTAL PROTECTION

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3 SGT. MARTINEZ: PC is up.

4 SGT. LUGO: Cloud is done. Good
5 afternoon, everyone. Welcome to today's remote New
6 York City Council vote of the Committee on
7 Environmental Protection. At this time would all
8 panelists please turn on your video. To minimize
9 disruption, please place electronic devices to
10 vibrate or silent. Thank you for your cooperation.
11 Chair, we are ready to begin.

12 CHAIR JAMES GENNARO: Okay. Good
13 afternoon. I'm Jim Gennaro, Chair of the Committee
14 on Environmental Protection. Today we will be voting
15 on three Bills. Two Bills that will reduce
16 unnecessary illumination on city owned and controlled
17 buildings, and one Bill that will ban the use of
18 natural gas in new buildings. All this legislation
19 will help us to reduce our greenhouse gas emissions,
20 reduce our greenhouse gases, and transition to a
21 sustainable future. Reducing unnecessary
22 illumination across the city is not simply a matter
23 of energy usage and carbon emissions. According to
24 the Audubon Society, New York City is located at a
25 point of concentration on the Atlantic fly away bird

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2 migration route. Twice a year, migratory birds fly
3 along this path northward towards breeding grounds in
4 spring and south towards warmer climates in the fall.
5 The city's wide variety of habitats do attract many
6 migratory species to the area for resting and
7 nourishment along their journeys leading to making us
8 be designated a high priority global important bird
9 area for our bird life international and the Audubon
10 Society. Unfortunately, the city's illuminated
11 buildings have the potential to significantly entrap
12 fly roots and can cause disorientation and wasted
13 energy resources as birds fly in confusion. This
14 wasted energy can lead; I can't wait to read the rest
15 of this statement, (inaudible), terrible; by
16 resulting in fewer birds able to complete their
17 journeys successfully. Today, the Council will act
18 to protect the hundreds of birds that use the
19 Atlantic fly for migration. We're going to hear from
20 Helen about this. We're also here to vote on Intro
21 271-A, one of the lighting Bills which will reduce
22 unnecessary illumination on city owned spaces by
23 creating a phased timeline stipulating that 50
24 percent of city owned and city-controlled buildings
25 comply with occupancy sensor installation

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2 requirements by 2020, 80 percent by 2025, and 100
3 percent by 2030. This Bill will also require the
4 Department of Citywide Administrative Services to
5 submit an annual report to the Mayor and the Speaker
6 of the City Council outlining changes in the number
7 of buildings, a percentage of compliant buildings and
8 a number of buildings that became complaint in the
9 previous calendar year. This local Law would take
10 effect immediately. We'll also hear and vote on
11 Intro 274-A, which mandates that city-owned buildings
12 turn off nonessential outdoor lightening between the
13 hours of 11:00 P.M. and 6:00 A.M. during peak avian
14 migration periods, from April 15 to May 31, and again
15 from August 15 through November 15 each year. This
16 local Law will take effect immediately. Finally, we
17 will vote on Intro 2317-A which would prohibit the
18 compression of any substance that emits 25 kilograms
19 or more of carbon dioxide per million BTUs of energy
20 as determined by the U.S. Energy Information
21 Administration and any newly constructed building and
22 (inaudible) to deny construction documents and
23 permits in connection with the building that would
24 require the (inaudible) of these substances with
25 exceptions for emergency standby power, a hardship

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2 preventing compliance with the Bill, where the
3 compression of the substance is required by certain
4 enumerated industries and whether combustion of the
5 substance is used on intermittent basis in connection
6 with a device that is not connected to the buildings
7 gas supply line. This Bill will further require the
8 Mayor's Office of (inaudible) to conduct two studies,
9 one a study regarding the use of a heat pump
10 technology, and two, a study of the impact of the
11 spill on the city's grid. This local Law will take
12 effect immediately. I'd like to thank the most
13 terrific staff of the committee who have done such
14 great work over the years, counsel of the committee,
15 Tamara Swanson (SP?), Policy Analysis Nadia Johnson
16 (SP?), Ricky Chala (SP?), and Financial Analyst,
17 Jonathan Seltzer (SP?), and finally my Legislative
18 Director with his great work, Navi Cara (SP?) for
19 their hard work and it's not in the statement, but
20 I'd be remiss if I didn't thank them in a special
21 way, all the late nights that led up to, you know,
22 2317-A and the very intense negotiations on that Bill
23 which was a hard Bill to negotiate and edit it just
24 right, but we struck that balance and I thank Jeff in
25 a special way. Now, the prime sponsor of 2317 is

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2 Council Member Ampry-Samuel. It's not in the
3 statement. I just know that, and I know that Helen
4 is either 271-A or 274-A; one is Helen, one is
5 Brannan, and we'll be bringing Helen on. She will
6 tell us all about that. Let me just recognize some
7 of the Council Members that are here. We already
8 know, we've already been going back and forth with
9 Council Member Diaz, Council Member Rosenthal, I saw
10 Steve Levin, Council Member Reynoso I see, Council
11 Member Barron is on, now I see Steve, and I think
12 I've covered everyone, and with that, it is my
13 privilege to recognize Council Member Rosenthal for a
14 statement and she will tell us whether she is the
15 prime sponsor of 271-A or 274-A, okay?

16 COUNCIL MEMBER HELEN ROSENTHAL: Right,
17 right. Thank you so much. Thank you so much, Chair
18 Gennaro. I really appreciate you and appreciate your
19 leadership on this committee. My Bill, which is
20 0274-A, compliments Council Member Brannan's Bills,
21 so together, they are basically going to end having
22 illumination outside city buildings during peak
23 migratory times, and you know, according to the
24 Audubon Society, between 90,000 and 230,000 migrating
25 birds died from ...

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2 CHAIR JAMES GENNARO: Segreant, if I
3 could just jump in for a second. Sergeant, we seem
4 to have some background noise. Someone's on the
5 phone or something.

6 COUNCIL MEMBER HELEN ROSENTHAL: No,
7 there's background noise where I am.

8 CHAIR JAMES GENNARO: Oh, I'm sorry.

9 COUNCIL MEMBER HELEN ROSENTHAL: I'm
10 sorry.

11 CHAIR JAMES GENNARO: Oh no, it's okay.
12 As long as it's you, I didn't want you to be
13 interrupted, but if you're interrupting yourself,
14 knock yourself out.

15 COUNCIL MEMBER HELEN ROSENTHAL: Thank
16 you. No, I mean, if it's too loud, I can ...

17 CHAIR JAMES GENNARO: No, no, it's fine,
18 it's fine. I just didn't want, I didn't want, for
19 your sake, I was doing it, yeah.

20 COUNCIL MEMBER HELEN ROSENTHAL: I
21 appreciate you. So, anyway, hundreds of thousands of
22 birds are killed every year because of the lights,
23 because New York City is right in the path for these
24 migrating birds so, we're going to, you know,
25 meaningfully impact those, have a decrease in those

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2 numbers. This year in particular, we lost hundreds
3 and thousands of beautiful, yellow songbirds which
4 was heartbreaking. For those of you who are
5 interested in helping track this information, you can
6 go onto the Audubon Society's website and download an
7 app and you can help the Audubon Society track when
8 you find dead birds, but the numbers should be going
9 down tremendously over the next few years which is
10 great. My office is right next door to the wild bird
11 fund where at these two times of the year, people
12 come in with birds that have been stunned and have
13 fallen to the ground and have been stunned, and
14 actually the wild bird fund can give information
15 about how to revive the birds. Often times, they're
16 stunned, they're not dead, so a lot of people care
17 deeply about this issue. I'm so proud to be the
18 sponsor of one of these Bills. I really want to
19 thank Tamera Swanson who has worked on these and
20 other Bills tirelessly for so many years. It's just
21 been a pleasure working with you, and of course,
22 thank former Council Member Costa Constantinides who
23 has led so much on these issues, and to Jeff Baker
24 and to all the committee staff and to the Sergeants

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2 here, thank you so much for all of your support,
3 assistance, thank you. That's it for me.

4 CHAIR JAMES GENNARO: Thank you, Council
5 Member Rosenthal. You made a great contribution
6 here. It was a very, you know, it was a very
7 illuminating hearing, hearing all of the, you know,
8 stories of strikes and the impact of lighting and how
9 they can be used, and at the end of the day, we're
10 talking about city owned buildings here. So, there's
11 no reason whatsoever why the city shouldn't step up
12 in its own buildings, and make sure that it does the
13 right thing, and you know, because of it's Bill and
14 its companion Bill by Council Member Brannan, you
15 know, that would be the case. So, this is really a
16 great day and for birds, and yeah, does anyone else
17 wish to be heard before I ask the clerk to call the
18 roll? Seeing no one else wishing to be heard, I'll
19 ask the clerk to call the roll on all items which
20 will be coupled.

21 COMMITTEE COUNSEL: Thank you and good
22 afternoon. This is the Committee on Environmental
23 Protection, roll call vote on Proposed Intros 271-A,
24 274-A, and 2317-A. Chair Gennaro.

25 CHAIR JAMES GENNARO: I.

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2 COMMITTEE COUNSEL: Council Member Levin.

3 COUNCIL MEMBER STEPHEN LEVIN: Yes, Mr.

4 Chairman, I'd like to vote I on all, and I'd like to

5 sign on to every Bill being heard today, thank you.

6 COMMITTEE COUNSEL: Thank you. Council
7 Member Menchaca.

8 COUNCIL MEMBER CARLOS MENCHACA: Hi

9 everyone, thank you, and I just want to say thank you

10 to Council Member Helen Rosenthal. You know, during

11 COVID, I feel like one of the things that I got

12 reconnected to as a boy scout, as an early boy scout

13 back in my youth was birdwatching, and I feel like

14 this Bill has had multiple conversations about it,

15 and my District really came together and sent me a

16 lot of messages about it. Of course, I said I'm

17 supporting it from the beginning, but it was not easy

18 to get these Bills done in these last six months.

19 Helen understands that. Now, all the Bills that we

20 wanted to get done, got done, but I'm glad this one

21 did. Thank you, Helen, from the bottom of my heart,

22 and all of the people in my district that emailed

23 about this, and to all the birds that I do see, you

24 know, dead, I think about what we're going to do

25 today, and I'm thankful. Thank you, Helen. I vote I.

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2 CHAIR JAMES GENNARO: Thank you, Council
3 Member Menchaca. I'm sorry, I didn't see you on the
4 screen when I read out the Council Members before. I
5 don't think ...

6 COUNCIL MEMBER CARLOS MENCHACA: That's
7 okay, Chair. It's all good. I still love you.

8 CHAIR JAMES GENNARO: Okay, but I
9 appreciate that and I appreciate you and I appreciate
10 your valuable contributions to the committee and
11 thank you for your kind statement towards Helen and
12 all of the good work that she has done.

13 COMMITTEE COUNSEL: Council Member Darma
14 Diaz.

15 COUNCIL MEMBER DARMA DIAZ: Yes, it's
16 been a pleasure. I think it's officially my last
17 hearing, my last vote as a Council Member and there's
18 no greater pleasure than closing my voting with Chair
19 Gennaro. Thank you very much.

20 CHAIR JAMES GENNARO: Thank you so much,
21 Darma, and on that really sweet note, but we're going
22 to see you tomorrow, Darma, we're seeing you
23 tomorrow.

24 COUNCIL MEMBER DARMA DIAZ: Yes, yes,
25 but...

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2 CHAIR JAMES GENNARO: ... we're seeing you
3 tomorrow.

4 COUNCIL MEMBER DARMA DIAZ: As for
5 committees, this is it. This should be it.

6 CHAIR JAMES GENNARO: (Crosstalk). Okay,
7 I look forward to seeing you and everyone else
8 tomorrow. With that, this hearing is adjourned.

9 CHAIR DARMA DIAZ: Thank you.

10 COUNCIL MEMBER ANTONIO REYNOSO: John, I
11 don't think I got the opportunity to vote.

12 CHAIR JAMES GENNARO: Oh.

13 COUNCIL MEMBER CARLOS MENCHACA: Hi
14 Reynoso. Sorry, it's okay.

15 COUNCIL MEMBER ANTONIO REYNOSO: Oh, my
16 goodness. I was just about to line our Gennaro being
17 the kindest Chair I've ever met in my life.

18 CHAIR JAMES GENNARO: Oh, my God.

19 COUNCIL MEMBER ANTONIO REYNOSO: I'm not
20 even going to make that statement anymore.

21 (Crosstalk).

22 CHAIR JAMES GENNARO: I'm blaming the
23 clerk. I'm blaming the clerk (laughing).

24 COUNCIL MEMBER ANTONIO REYNOSO: I want to
25 be added on to all the Bills. I vote I, and Gennaro,

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11
2 you're truly like a ray of sunshine, positive energy
3 that is all too needed in this type of work, so I
4 want to thank you for how you Chaired it.

5 Congratulations to Council Member Helen Rosenthal and
6 please add me to all the Bills. I think this is great
7 day for this committee and for New York City too.

8 CHAIR JAMES GENNARO: Thank you, Council
9 Member, a pleasure, and you know, yeah, sorry about
10 it. It looks like we're all one family now.
11 Everything together (crosstalk) in the picture as
12 well, and so that makes it even sweeter. Okay, for
13 the second time.

14 COUNCIL MEMBER STEPHEN LEVIN: Wait
15 Chair, hold on, hold on, I just want to second
16 Antonio's remarks and say just categorically what a
17 delight it is to have you back in the Council
18 Chairing this committee. You're one of the best.

19 CHAIR JAMES GENNARO: Thank you, Steve,
20 and after all I said about one of your Bills
21 recently, you're so nice to say that, you know. I
22 went after Steve on one of his Bills like Gennaro-
23 style, you know, he's a champ and look how sweet he
24 is being. So, thank you, Steve.

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2 COMMITTEE COUNSEL: Chair Gennaro, I just
3 wanted to let you know that the items were adopted by
4 a vote of four in the affirmative, zero in the
5 negative, and two abstentions, thank you, sir.

6 CHAIR JAMES GENNARO: Of course, they
7 were. Who would vote against us? But thank you, Mr.
8 Clerk. Okay, so I'm going for the, well, I left my
9 gavel at home, so I can't do it like officially, so,
10 with that, this hearing is officially adjourned.
11 It's been fun. Okay, take care. See you all
12 tomorrow.

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C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date January 31, 2022